

AGENDA  
BUTLER COUNTY BOARD OF ZONING APPEALS  
BUTLER COUNTY ADMINISTRATION CENTER  
130 HIGH STREET  
HAMILTON, OHIO 45011  
March 17, 2009

I. Opening

- A. Roll Call      Mr. Gary Salmon  
                         Mr. Thomas Bevington  
                         Mr. Alan Daniel  
                         Mr. Henry W. Philpot  
                         Ms. Lee Steenken

II. Approval of Minutes

- A.                      February 17, 2009 meeting

III. New Business

None

IV. Old Business

- A.      BZA09-04V    Ray Meyer Sign Company, Inc.  
                         2449 Ross Millville Road  
                         Hamilton, Ohio 45013

V. Adjournment

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REGULAR MEETING: Tuesday, March 17, 2009, 7:00 p.m.  
Butler County Government Services Building  
Conference Room 1  
315 High Street, 1st Floor  
Hamilton, OH 45011

CALL TO ORDER: Mr. Bevington called the meeting to order.

ROLL CALL: Mr. Thomas Bevington  
Mr. Alan Daniel  
Mr. Henry W. Philpot  
Mr. Gary Salmon

MEMBERS ABSENT: Ms. Lee Steenken

STAFF MEMBERS: James Fox, Zoning & Floodplain Manager

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**APPROVAL OF MINUTES:**

Mr. Salmon motioned to approve the minutes of the February 17, 2009 meeting. Mr. Philpot seconded the motion. Motion carried.

AYES: Salmon, Philpot, Bevington, Daniel

NAYES: None

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**OLD BUSINESS:**

**BZA09-04V**

Ray Meyer Sign Company, Inc.  
2449 Ross Millville Road  
Hamilton, Ohio 45013

Mr. John Sherron, 3122 Calusa Drive, Hamilton, Ohio 45011, Engineer for the applicant, said they would like to withdraw the original request for road sign and substitute the sign with a two-sided, v-shaped sign. Mr. Sherron showed drawings of the newly designed sign, which is 4-foot tall and 13 feet long and it curves so that ought to conform with the sign size requirements.

Mr. Fox said it would be, so the recommendation to withdraw the portion of the variance

for the road sign out at the street should be motioned upon to withdraw and then we can move on to the two (2) interior direction signs.

Mr. Daniel made a motion to accept the request to withdraw the sign out at the street from this variance request. Mr. Philpot seconded the motion. Motion carried.

AYES: Daniel, Philpot, Salmon, Bevington

NAYES: None

Mr. Fox said we can now move on to the interior signs.

Mr. Sherron said these are the same interior signs that we presented last time and their purpose is directional and they are onsite and in the same places that they were proposed before – none of that has changed.

Mr. Sherron said these signs will be on islands within the parking area and their purpose is to aim patrons to the appropriate door (there are two doors).

Mr. Sherron said they are asking for three (3) ground signs all together which requires a variance.

Mr. Fox said, for the record, the Township Trustees, Tom Wilsey, has contacted our department and they have no objection to approve the interior directional signs and they are fully aware of the changes to the street sign and are extremely happy with what the applicant has proposed.

Mr. Salmon asked if the interior signs will be lit.

Mr. Sherron replied no but the new one at the road will be lit.

No other questions.

### **STAFF COMMENTS.**

Mr. Fox stated the following comments:

1. The property is zoned B-2 Community Business District.
2. The area is business in character.
3. The applicant is seeking a variance, said applicant shall be required to establish to the Board, proof by a preponderance of the evidence that unnecessary hardship will prevail unless the variance is granted.
4. The spirit and intent of the zoning regulation is not to allow this type of activity from a business district, however, since the applicant withdrew

the monument sign at the street, staff will recommend approval of the two direction interior signs.

Mr. Salmon made a motion to approve the two (2) interior signs placed for direction only at the medical center to make a total of three (3) signs on the site in the matter of BZA09-04V. Mr. Philpot seconded the motion. Motion carried.

AYES: Salmon, Philpot, Daniel, Bevington

NAYES: None

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### **FINDINGS OF FACT for BZA 06-26C**

Mr. Fox said the neighbors have sued the Board of Zoning Appeals for approving Shamrock Materials' case so we will move forward with the Findings of Fact as written in front of the members and all he needs is a motion to approve it, a second to approve it, and said he would then call role and he would need the Board members to sign the document.

Mr. Bevington asked Mr. Fox to read the document.

Mr. Fox said this is BZA Case #06-26C upon remand of court Case #CV 2007-01-0168, CA 2007-07-0172, Shamrock Materials, 2900 Woodsdale Road (Office), Section 4, Town 1, Range 4, Madison Township "Conclusions of Fact" are as follows:

"The applicant of Shamrock Materials, Inc. for a conditional use permit for surface mining of aggregate materials in the F-1 flood plain and A-1 agricultural zoning districts of Madison Township was before the Board pursuant to a remand order of the Court of Common Pleas. The Board considered the application, testimony, documentary evidence, and staff report at hearings on December 16, 2008 (regular meeting) and January 13, 2009 (special meeting). Both meetings were advertised and written notice was provided to affected property owners in compliance with the County Zoning Resolution.

All testimony was under oath and the Board allowed the applicant and opponents the opportunity to conduct cross-examination, and to state positions, arguments, and contentions.

Upon consideration of the foregoing, the Board granted Shamrock's application subject to various conditions set forth in the resolution. The Board adopts the following conclusions of

facts according to R.C. 2506 in support of its action:

1. The Applicant stipulated that the proposed surface mining will not involve dewatering.
2. The proposed mining activity does not present a public health risk.
3. The proposed mining activity does not present a public safety risk according to the site improvements and operating conditions proposed by applicant (e.g., berming, fencing, hauling restrictions on Radabaugh Lane), which are conditions of the conditional use permit.
4. The proposed mining activity will not have harmful environmental affects.
5. The overwhelming evidence based upon scientific methods demonstrates that the risk of periodic flooding associated with intermittent flooding events will be reduced.
6. The proposed mining affect will have positive economic effects.”

Mr. Fox stated that the Board of Zoning Appeals may add any if they feel it necessary. (No response).

Mr. Fox asked for a motion.

Mr. Salmon motioned to approve the Findings of Fact as presented. Mr. Daniel seconded the motion. Motion approved.

AYES: Salmon, Daniel, Philpot, Bevington

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**ADJOURNMENT:**

A motion was made by Mr. Salmon, seconded by Mr. Philpot to adjourn. All in favor, motion carried.

These Minutes represent a summary of the proceedings and do not purport to be the entire record. A complete transcription of these proceedings was taken from an audio tape by James M. Fox under supervision of the Secretary and may be obtained upon written request. Any charges associated with preparing such transcript shall be borne by the person requesting such same and must be prepaid.

Hamilton, Ohio

February 17, 2009

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Tom Bevington, Chair

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James M. Fox, Secretary

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